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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

UNITED STATES OF AMERICA,	)	No. 4-11-70780-MAG
	)	No. 4-11-70781-MAG
Plaintiff,	)	
	)	STIPULATION AND ORDER TO
v.	)	CONTINUE STATUS CONFERENCE
	)	AND EXCLUDE TIME UNDER THE
EDUARD ARAKELYAN, and	)	SPEEDY TRIAL ACT
ARMAN VARDANYAN,	)	
	)	
Defendants.	)	

IT IS HEREBY STIPULATED AND AGREED between the plaintiff through its attorney, Joshua Hill, and the defendants through their undersigned attorneys, Leo Fasen and Jerry Kaplan, that the preliminary hearing or arraignment presently set for September 23, 2011, be continued to October 24, 2011 at 9:30 a.m. Defense counsel requires additional time to review the produced discovery and conduct necessary investigation. In addition, Mr. Kaplan will be unavailable for most of October. The parties agree that the delay is not attributable to lack of diligent preparation on the part of the attorney for the government or defense counsel. For these reasons, the parties request that time under the Speedy Trial Act be excluded based on the defense's need for reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Defendant also agrees to waive the timing of a preliminary

STIPULATION AND ORDER  
No. 4-11-70780-MAG & 4-11-70781-MAG

1 hearing or indictment under 18 U.S.C. § 3161(b) and Federal Rule of Criminal Procedure 5.1.

2 The parties agree that the waiver covers all time between the date of this stipulation and October  
3 24, 2011.

4 IT IS SO STIPULATED:

5 Dated: September 21, 2011

\_\_\_\_\_  
/S/  
JERRY KAPLAN  
*Attorney for Defendant Vardanyan*

7 Dated: September 21, 2011

\_\_\_\_\_  
/S/  
LEO FASEN  
*Attorney for Defendant Arakelyan*

10 Dated: September 21, 2011

\_\_\_\_\_  
/S/  
JOSHUA HILL  
*Assistant United States Attorney*

13 **ORDER**

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15 GOOD CAUSE HAVING BEEN SHOWN, it is hereby ordered that the hearing in this  
16 matter now scheduled for September 23, 2011 is hereby rescheduled for October 24, 2011 at  
17 9:30 a.m. before Magistrate Judge Laurel Beeler. Based upon the representation of counsel and  
18 for good cause shown, the Court also finds that failing to exclude the time between September  
19 21, 2011 and October 24, 2011 would unreasonably deny the defense the reasonable time  
20 necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C.  
21 § 3161(h)(7)(B)(iv). The Court further finds that the ends of justice served by excluding the  
22 time between September 21, 2011 and October 24, 2011 from computation under the Speedy  
23 Trial Act outweigh the best interests of the public and the defendant in a speedy trial. Therefore,  
24 it is hereby ordered that the time between September 21, 2011 and October 24, 2011 shall be  
25 excluded from computation under the Speedy Trial Act. 18 U.S.C. §§ 3161(h)(7)(A) and  
26 (B)(iv). In addition, upon consent of defendant, the timing of a preliminary hearing or  
27 indictment is waived pursuant to 18 U.S.C. § 3161(b) and

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3 Federal Rule of Criminal Procedure 5.1. The waiver covers all time between September 21,  
4 2011 and October 24, 2011.

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6 DATED: September 22, 2011



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HONORABLE DONNA M. RYU  
United States Magistrate Judge